

## **REMARKS**

### **I. Introduction**

With the cancellation of claims 8, 9, 11, 13, 18, 21, 23 to 33, and 39 to 48 as being drawing to a non-elected embodiment, claim 34 is pending in the current application. In view of the following remarks, Applicants respectfully request reconsideration of the application.

### **II. Rejection of Claim 34 Under 35 U.S.C. §102(b)**

Claim 34 was rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,332,101 ("Bakula").

Claim 34 relates to a vibratory screen assembly a plate, first and second side edge portions on said plate, first and second series of finger-receiving apertures in said first and second side edge portions, respectively, first and second plate flanges on said plate located outwardly of said first and second series of apertures, respectively, a screen on said plate, and first and second portions of said screen assembly spaced from and overlying said first and second finger-receiving apertures, respectively, and secured between said plate and said first and second plate flanges, respectively wherein the screen assembly at at least two outer edges is formed into planar side planes extending parallel to a plane defined by respective first and second flanges. Support for the amendment to claim 34 is found, for example on page 11, lines 12 to 26 and Figure 3.

Bakula relates to a screen aligning, tensioning and sealing structure for vibratory screening machines. Bakula provides a screen 22 which is supported by a apertured steel plate 27. As provided in Figure 12, an alignment structure consisting of notches 24 and 24' are provided in channels 25 and 25'. As provided in the accompanying description and figures of Bakula, the channels 25 and 25' are placed overtop of any screen assembly. As a result, Bakula does not disclose or even suggest any configuration provided in amended claim 34 which provides for plate flanges. Moreover, Bakula does not disclose or suggest any configuration wherein the screen assembly at at least two outer edges is formed into planar side planes extending parallel to a plane defined by respective first and second flanges.

Bakula, rather, presents a configuration which has channels 25 that are positioned along the edges of the screen. The channels 25 do not form a plane upon which at least two outer edges of the screen extend in a parallel configuration. Applicants respectfully submit that as Bakula fails to disclose or suggest the features provided in amended claim 34, that claim 34 is patentable for the reasons presented above. Applicants respectfully request withdrawal of all rejections to claim 34.

Applicants furthermore respectfully submit a declaration under 37 C.F.R. § 1.132. The declaration under 37 C.F.R. .§ 1.132 recites that the Bakula reference does not disclose or suggest the features of claim 34 wherein the screen assembly at at least two outer edges is formed into planar side planes extending parallel to a plane defined by respective first and second flanges.

### **III. Conclusion**

In view of the foregoing amendment and remarks, it is respectfully submitted that all pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

KENYON & KENYON

Date: 1/26/06

By: John M. Vereb  
John M. Vereb  
Reg. No. 48,912

KENYON & KENYON  
One Broadway  
New York, New York 10004  
(212) 425-7200 (phone)  
(212) 425-5288 (facsimile)  
Customer No.: 26646